THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No. 22760 of 2005

-

Dated:24.10.2005

Between:

Ankalamma, W/o. Venkatappa
R/o. H.No.11-32, Rangapuram, Palamaner Town, Palamaner Mandal
Chittoor District, A.P.

..... PETITIONER

AND

The Mandal Revenue Officer
Palamaner Mandal, Palamaner,
Chittoor District, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No. 22760 of 2005

ORDER:

The first respondent herein assigned house site pattas to respondent Nos.5 to 7 on 12.08.1997. Aggrieved by the same, the petitioner preferred an appeal before the District Revenue Officer, Chittoor, who by proceedings dated 17.07.1999 directed the Mandal Revenue Officer to maintain status quo with regard to raising of huts and other constructions in the land in Survey No.591/1B of Palamaner. The petitioner alleges that she purchased the land in Survey Nos.591 and 592-1/B of Palamaner under registered documents, and when the respondents tried to interfere and encroached upon the land, she filed O.S.No.91 of 1986 on the file of the Court of the District Munsiff, Palamaner, against the husband of the fifth respondent and others for declaration that the petitioner has a right to use the suit schedule road, and for permanent injunction restraining the defendants therein from interfering with the petitioner's right. The said suit was allegedly decreed by the learned District Munsiff on 02.08.1989. Therefore, the petitioner contends that the assignment of land in favour of respondent Nos.5 to 7 is itself illegal. It is further alleged that now the Mandal Revenue Officer is going to release loans under Government Housing Scheme and if the houses are constructed, the petitioner would suffer injury. The

petitioner, therefore, seeks a direction to respondent Nos.1 to 3 not to grant housing loans to respondent Nos.5 to 7.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). According to the petitioner the Court of the District Munsiff, Palamaner, passed a decree in O.S.No.91 of 1986 declaring the right of the petitioner to use the road marked as “AB” in the plaint sketch plan and also restrained the defendants therein from interfering with the petitioner’s right to enjoy the road AB. If that be so, nothing prevents the petitioner to approach the Civil Court for appropriate relief. Further, a perusal of the decree, which is filed along with the writ petition, would show that there is no proper correlation between the plaint schedule i.e., AB road and the land which was assigned to respondent Nos.5 to 7. Secondly, aggrieved by the assignment, the petitioner has already approached the District Revenue Officer and obtained orders of status quo. Therefore, the petitioner can as well move the District Revenue Officer and obtain necessary orders against respondent Nos.1 to 3 and seek redressal, if the appeal is still pending. In that view of the matter, this Court is not inclined to interfere in this Writ Petition, as it would amount to further multiplicity of proceedings. At the time of admission, in spite of repeated queries from this Court, the learned Counsel did not give details of the applications made by the contesting respondents and the particulars of the scheme under which respondent Nos.1 to 3 are allegedly releasing housing loans to respondent Nos.5 to 7. If the relief as prayed for is granted, it would amount to granting relief on vague terms, which this Court should avoid.

The Writ Petition is misconceived and is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

24.10.2005

vs